

1 BEFORE THE STATE OF WASHINGTON
2 ENERGY FACILITY SITE EVALUATION COUNCIL
3

4 In the Matter of Application No. 2004-01:
5 WIND RIDGE POWER PARTNERS, LLC;
6 WILD HORSE WIND POWER PROJECT
7
8
9

STIPULATION AND SETTLEMENT
AGREEMENT BETWEEN APPLICANT
AND KITTITAS COUNTY

10 **A. Parties**
11

12 Wind Ridge Power Partners, LLC is seeking a Site Certification Agreement (SCA) from
13 the Energy Facility Site Evaluation Council (EFSEC) to construct and operate the proposed Wild
14 Horse Wind Power Project located within Kittitas County.

15 Kittitas County is a governmental subdivision of the State of Washington and is the
16 county in which the Wild Horse Wind Power Project is being sited. Kittitas County has
17 intervened as a party to these proceedings.
18

19 **B. Purpose and Intent**
20

21 . This stipulation resolves all issues Kittitas County may have regarding the project and
22 any potential future participation in this contested case process.
23

24 **C. Resolution of Issues**
25

SETTLEMENT AND STIPULATION
KITTITAS COUNTY

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1 By execution of this Agreement, Kittitas County stipulates that said application is
2 deemed consistent with Kittitas County applicable land use laws as required by RCW
3 80.50.090(2) and .100, and the rules and regulations of the Energy Facilities Site Evaluation
4 Council, WAC Ch. 463-26, including the County's Growth Management Act Comprehensive
5 Land Use Plan and implementing development regulations. The parties acknowledge that it has
6 an *ex officio* a member of EFSEC for the purposes of approving the Project application and that
7 nothing in this agreement in any manner whatsoever binds or restricts such member from
8 exercising his or her responsibilities as an EFSEC member in his or her full discretion.

9
10 The parties have entered into a Development Agreement pursuant to the Kittitas County
11 land use process for siting of wind farms in Kittitas County. That Development Agreement is
12 attached as Exhibit A hereto, and incorporated by reference herein as if fully set out. The
13 Applicant stipulates that the Project shall be developed pursuant to the terms of Development
14 agreement and the parties agree that those terms should be incorporated into the SCA.

15 The parties further agree Kittitas County will provide plan review and construction
16 inspection services on behalf of and pursuant to an inter-local agreement with EFSEC, except
17 those related to electrical inspection, which will be carried out by the Washington State
18 Department of Labor and Industries. The Applicant agrees to pay for the plan review and
19 inspection fees as set out in Exhibit A.

20
21 The parties understand this Agreement is subject to review and approval by EFSEC.
22 The parties shall cooperate in submitting this Agreement promptly to ESFEC for acceptance, and
23 shall support adoption of this Agreement in proceedings before EFSEC, through testimony or
24 briefing, as resolution of the issues included within this Agreement. No Party to this Agreement,
25

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1 or its agents, employees, consultants or attorneys will engage in any advocacy contrary to
2 EFSEC's adoption of this Agreement as resolution of the issues included within this Agreement.
3 Each Party shall make available a witness or witnesses in support of this Agreement, if a hearing
4 is determined necessary by EFSEC. To the extent that any pre-filed testimony of any Party's
5 witness conflicts with the terms of this Agreement, the Parties agree that the terms of this
6 Agreement supersede the recommendation in that Party's testimony.
7
8

9 **D. Withdrawal of Objections**

10 Therefore, based on this Agreement, Kittitas County stipulates to the withdrawal from the
11 adjudicative hearing upon acceptance of this stipulation by EFSEC.
12

13 DATED: _____

14 Wind Ridge Power Partners, LLC

15
16 By _____
17 Darrel L Peoples
18 Attorney for Wind Ridge Power Partners, LLC

19 Kittitas County

20
21 By: _____
22 James Hurson
23 Deputy Prosecuting Attorney
24 Attorney for Intervener Kittitas County
25

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